



**PATENT APPLICATION**  
Application No. 10/032,507

#3

**IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE**

**In re Application of:** Mathilde Benveniste

**Docket No.:** 2000-0611 P (Old 2000-0611E)

**Serial No.:** 10/032,507

**Group Art Unit:** 2176

**Filed:** January 2, 2002

**Examiner:** TBA

**Title:** Random Method Access Methods with Backoff Adaptation to Traffic

**COMMISSIONER FOR PATENTS  
WASHINGTON, D. C. 20231**

**SIR:**

**DECLARATION AND POWER OF ATTORNEY  
UNDER 37 CFR § 1.47(b), 1.63, 1.64(b)**

1. The undersigned is a patent attorney employed by AT&T Corp.
2. On information and belief, Mathilde Benveniste is the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention in the above-referenced patent application. On information and belief, Ms. Benveniste understands the contents of the specification and the claims in the above-referenced patent application.
3. On information and belief, the application claims the benefit under 35 U.S.C. 119(e) of the following United States provisional applications:

| U.S. Provisional Serial Number | Filing Date |
|--------------------------------|-------------|
| 60/258,885                     | 01/02/2001  |
| 60/261,165                     | 01/16/2001  |
| 60/264,727                     | 01/30/2001  |
| 60/267,439                     | 02/09/2001  |
| 60/270,862                     | 02/26/2001  |
| 60/271,731                     | 02/28/2001  |
| 60/272,786                     | 03/05/2001  |

4. On information and belief, the application claims priority under 35 U.S.C. 120 of the following U.S. patent application: U.S. Application No. 09/985,257 filed November 2, 2001, entitled Tiered Contention Multiple Access (TCMAS): A Method for Priority Based Shared Channel Access.

5. The undersigned acknowledges the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

6. On information and belief, Ms. Benveniste was mailed to her work address a Declaration and Power of Attorney document and Assignment document on January 8, 2002 by Attorney Alfred G. Steinmetz in the parent application. A copy of the letter and documents, including a copy of the New Jersey Express Service mailing label, are attached as Exhibit A. On information and belief, Ms. Benveniste was a full time employee of AT&T at this time.

7. On information and belief, Ms. Benveniste was informed on or about late January 2002, that she would no longer be employed with AT&T in the midst of a reduction in force event.

8. On information and belief, a note in the parent file indicates that Felicia Adadevoh, legal secretary, contacted Ms. Benveniste by phone on or about February 25, 2002, to inquire about whether she had executed the documents. On information and belief, Ms. Benveniste informed Ms. Adadevoh that she was too busy to sign the documents. This note is attached hereto as Exhibit B.

9. On or about March 6, 2002, the undersigned left multiple phone and e-mail messages for Ms. Benveniste regarding this application and the parent application, in addition to other patent matters. Two e-mails evidencing attempts to contact Ms. Benveniste are attached as Exhibit C.

10. On March 13, 2002, the undersigned physically went to Ms. Benveniste's work office and brought a new set of Declaration, Power of Attorney, and Assignment documents in this and the parent application attached hereto as Exhibit D. Ms. Benveniste was not present in her office. The undersigned was informed by co-workers that Ms. Benveniste had not been physically present at work regularly.

11. On March 18, 2002, an e-mail conversation took place between the undersigned and Dr. Robert Calderbank, Ms. Benveniste's supervisor and an AT&T vice president. The undersigned expressed a lack of success at reaching Ms. Benveniste. Dr. Calderbank indicated that Ms. Benveniste had generally been non-cooperative with work matters. Two e-mails evidencing this conversation are attached as Exhibit E.

12. On information and belief, Ms. Benveniste's last known address is 76 Harding Drive, South Orange, NJ 07079 USA.

13. On information and belief, as an employee of AT&T, Ms. Benveniste was contractually obligated to assign all her rights to AT&T for inventions that are made in the ordinary course of her employment. On information and belief, the above-referenced patent application is one such invention. Because AT&T has a sufficient proprietary interest in the application, it is entitled to make an application for patent on its own behalf. The Petition and Declaration under 37 C.F.R. § 1.47 are necessary to preserve the rights of AT&T and to prevent irreparable damage in losing the rights afforded by the above-referenced patent application.

14. In light of the above facts, the undersigned respectfully requests that the Declaration executed by the undersigned on behalf of AT&T be accepted as fulfilling all statutory requirements. The undersigned is authorized to sign this Declaration under 37 C.F.R. § 1.47(b) on behalf of AT&T.


15. The undersigned hereby declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

16. Power of Attorney. The undersigned hereby appoints the registered practitioners associated with Customer No. 26,652 and the registered practitioners Christopher Hughes, Reg. No. 26,914, and John Hoel, Reg. No. 26,279, of Morgan and Finnegan, LLP, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

17. Correspondence Address. Please address all correspondence to the address associated with Customer No. 26,652 and direct all telephone calls to Mr. John Hoel at Morgan and Finnegan, LLP, at (202) 857-8011.

19. Any questions in regard to this Declaration may be directed to the undersigned at (908) 221-8930.

Respectfully submitted,

  
\_\_\_\_\_  
Christine M. Szwerc  
Reg. No. 43,177  
Attorney for Applicants

Date: 4/17/02

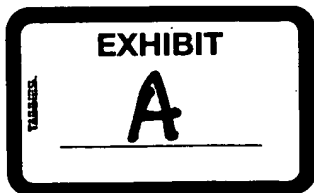
AT&T Corp.  
200 Laurel Ave  
P.O. Box 4110  
Middletown, NJ 07748



# New Jersey Express Service

ATT 463  
(2-95)

00076738



Utilization Of This Form Designates Expedited Delivery And/Or Special Handling.  
Contact Your Local Mail Center For Further Information.

Please print the following information

\* PICK UP FROM:

Name Rehva Adadevich Room # 305582  
Street Address 295 N. Maple Ave. Phone # (908) 221-5765  
Organization Code 01112000 Location Code NJB320  
FML Code 67621000 Date 01/08/02

\* DESCRIPTION OF ITEM:

Patent Application 2000-0611

\* DELIVER TO:

Name Mathilde Benveniste Room # 3D02  
Full Street Address 180 Park Ave.  
Floham PK, NJ 07930  
Phone # (973) 761-0988 X 1 SIGNATURE OF RECIPIENT [Signature]

NJ Express Mail MUST be processed in IntraOffice Envelopes  
ORIGINATOR  
Retention Requirement  
Receiver 2 months

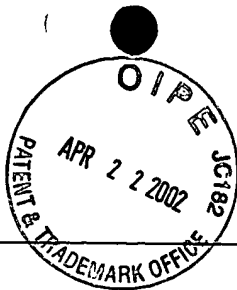


2000-0611

Papers out 1/8/02

Mathilde Benveniste

2/25-Felicia called Inventor,  
Inventor said this is not  
a priority for her



Alfred G. Steinmetz  
Senior Attorney  
Intellectual Property - Law

295 N. Maple Avenue - Room 3245G3  
Basking Ridge, New Jersey 07920  
Telephone: 908-221-5462  
Fax: 908-221-5783  
E-mail: [asteinmetz@lga.att.com](mailto:asteinmetz@lga.att.com)

January 8, 2002

Mathilde Benveniste  
AT&T Corp.  
180 Park Ave. - Rm. 3D02  
Florham Park, NJ 07932

RE: Docket No. 2000-0611  
Tiered Contention Multiple Access (TCMA) L A Method For Priority-Based  
Shared Channel Access

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Enclosed is a copy of the above-identified patent application. Also enclosed are the formal documents you must sign in order to complete the patent filing requirements.

After reviewing the application, please read both the Declaration and Power of Attorney and the Assignment and Agreement, then sign and date them—in blue ink as your name is typed—on the same date at the appropriate place on each document in the presence of a Notary Public. **Note that your signature on the Assignment is the only one that must be notarized.** AT&T will reimburse you for reasonable notary fees incurred; just submit the bill with your receipts with the signed documents. Please return the signed documents to me as soon as possible, using the enclosed self-addressed envelope. Please try to expedite getting the formal papers back to us as we are late in getting them to the Patent Office.

Please be advised that we share a legal obligation to advise the U.S. Patent and Trademark Office of the existence of any and all relevant prior art documents, including journal articles, patents, conference proceedings, and any other published items, as well as any past commercial activity that a Patent Examiner would consider material to examining your patent application for purposes of novelty and non-obviousness. If you are aware of any such materials that may have a bearing on your patent application, please inform me immediately.

The copy of the application is yours to keep for your files. Please remember that this is proprietary to AT&T and should be treated in accordance with company policy.

Thank you for your cooperation.

Sincerely,

*Alfred G. Steinmetz / bad*

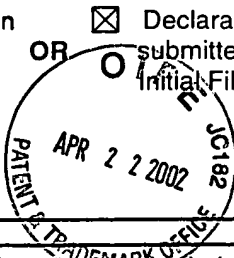
Alfred G. Steinmetz  
Senior Attorney

Encs.  
As stated



# DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION

☐ Declaration Submitted with Initial Filing  
OR  
☒ Declaration submitted after Initial Filing



|                          |                     |
|--------------------------|---------------------|
| Attorney Docket Number   | 2000-0011           |
| First Named Inventor     | Mathilde Benveniste |
| <b>COMPLETE IF KNOWN</b> |                     |
| Application Number       | 09/985257           |
| Filing Date              | 11/02/2001          |
| Group Art Unit           |                     |
| Examiner Name            |                     |

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Tiered Contention Multiple Access (TCMA): A Method For Priority-Based Shared Channel Access

(Title of the invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on 11/02/2001 as United States Application Number or PCT International

Application Number 09/985257 and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of an application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed     | Certified Copy Attached? |                          |
|-------------------------------------|---------|----------------------------------|--------------------------|--------------------------|--------------------------|
|                                     |         |                                  | <input type="checkbox"/> | YES                      | NO                       |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) below.

| Application Number(s) | Filing Date( MM/DD/YYYY) |   |
|-----------------------|--------------------------|---|
| 60/245186             | 11/03/2000               | <input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto |

SEND TO: Commissioner for Patents, Box Patent Applications, Washington, D.C. 20231

Attorney Docket Number: 2000-0611

**DECLARATION - Utility or Design Patent Application**

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

|   |  |   |
|---|--|---|
| <b>U.S. Parent Application or PCT Parent Number</b> | <b>Parent Filing Date (MM/DD/YYYY)</b> | <b>Parent Patent Number (if applicable)</b> |
|   |  |   |

☐ Additional U.S. or PCT International application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith:

☐ Customer Number

Place Customer Number Bar Code Label here

OR

☒ Registered practitioner(s) name/registration number listed below

| Name                | Registration Number | Name                 | Registration Number |
|---------------------|---------------------|----------------------|---------------------|
| CANAVAN, Robert T.  | 37592               | CONOVER, Michele L.  | 34962               |
| DELACRUZ, Cedric G. | 36498               | DWORETSKY, Samuel H. | 27873               |
| ISAACSON, Thomas M. | 44166               | LEE, Benjamin S.     | 42787               |
| LEVY, Robert B.     | 28234               | MCGAHAN, Susan E.    | 35948               |
| MONKA, Gary H.      | 35290               | NAVON, Jeffrey M.    | 32711               |

☒ I also appoint the following additional registered practitioner(s) named on the Registered Practitioner Information (Supplemental Sheet) (PTO/SB/02C modified by AT&T Corp.) attached hereto with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

Direct all phone inquiries to: Steinmetz, Alfred G. 908-221-5462

Direct all written correspondence to:

☒ Customer Number or Bar Code Label

Customer Number - 26652

or ☒ Correspondence address below

|                |                          |              |            |                 |              |
|----------------|--------------------------|--------------|------------|-----------------|--------------|
| <b>NAME</b>    | Samuel H. Dworetsky      |              |            |                 |              |
| <b>ADDRESS</b> | AT&T CORP. P.O. Box 4110 |              |            |                 |              |
| <b>CITY</b>    | Middletown               | <b>STATE</b> | New Jersey | <b>ZIP CODE</b> | 07748-4110   |
| <b>COUNTRY</b> | United States of America |              |            | <b>FAX</b>      | 732-368-6932 |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

|   |                     |   |  |
|---|---------------------|---|--|
| <b>Name of Sole or First Inventor</b>   |                     | <input type="checkbox"/> A petition has been filed for this unsigned inventor |  |
| <b>Name</b>   | Mathilde Benveniste |   |  |
| <b>Signature</b>  |                     | <b>Date</b>   |  |
| <b>Citizenship</b>  | United States       |   |  |
| <b>Address (line 1)</b>   | 76 Harding Drive    |   |  |
| <b>Address (line 2)</b>   | South Orange        |   |  |
| <b>Address (line 3)</b>   | Essex County        |   |  |
| <b>Address (line 4)</b>   | New Jersey          |   |  |
| <b>Address (line 5)</b>   | USA                 |   |  |
| <b>Zip Code</b>   | 07079               |   |  |
| <input type="checkbox"/> Additional Inventors are being named on the separately numbered sheets attached hereto |                     |   |  |

SEND TO: Commissioner for Patents, Box Patent Applications, Washington, DC 20231

**Additional Foreign Applications:**

**Additional Provisional applications:**

**Additional U.S. applications:**

SEND TO: Commissioner for Patents, Box Patent Applications, Washington, DC 20231

**Registered Practitioner  
Information  
(Supplemental Sheet)**

| DECLARATION                                 |                        | Registered Practitioner<br>Information<br>(Supplemental Sheet) |                        |
|---|------------------------|--|------------------------|
| Name  | Registration<br>Number | Name   | Registration<br>Number |
| RESTAINO, Thomas A.<br>SZWERC, Christine M. | 33444<br>43177         | STEINMETZ, Alfred G.   | 22971                  |

SEND TO: Commissioner for Patents, Box Patent Applications, Washington, DC 20231



Attorney Docket Number: 2000-0611

## ASSIGNMENT AND AGREEMENT

For value received, each of the undersigned, Mathilde Benveniste of South Orange in the County of Essex and State of New Jersey, hereby sells, assigns and transfers to AT&T Corp., a corporation of the State of New York, having an office at 32 Avenue of the Americas, New York, New York 10013-2412, United States of America, and its successors, assignees and legal representatives, the entire right, title and interest, for the United States of America, in and to certain inventions related to

### **Tiered Contention Multiple Access (TCMA): A Method For Priority-Based Shared Channel Access**

described in an application for Letters Patent for the United States of America,

☐ for which an application for a United States Patent was executed by each of the undersigned of even date herewith or

☒ for which an application for a United States Patent was filed on 11/02/2001 Application Number 09/985257

☒ and based on our prior provisional application for a United States Patent filed on 11/03/2000 Application Number 60/245186

and all the rights and privileges in said application and under any and all Letters Patent that may be granted in the United States for said inventions; and the undersigned also concurrently hereby sell, assign and transfer to AT&T Corp. the entire right, title and interest in and to said inventions for all countries foreign to the United States, including all rights of priority arising from the application aforesaid, and all the rights and privileges under any and all forms of protection, including Letters Patent, that may be granted in said countries foreign to the United States for said inventions.

The undersigned authorize AT&T Corp. to make application for such protection in its own name and maintain such protection in any and all countries foreign to the United States, and to invoke and claim for any application for patent or other form of protection for said inventions, without further authorization from the undersigned, any and all benefits, including the right of priority provided by any and all treaties, conventions, or agreements.

The undersigned hereby consent that a copy of this assignment shall be deemed a full legal and formal equivalent of any document which may be required in any country in proof of the right of AT&T Corp. to apply for patent or other form of protection for said inventions and to claim the aforesaid benefit of the right of priority.

The undersigned request that any and all patents for said inventions be issued to AT&T Corp. in the United States and in all countries foreign to the United States, or to such nominees as AT&T Corp. may designate.

The undersigned agree that, when requested, the undersigned shall, without charge to AT&T Corp. but at its expense, sign all papers, and do all acts which may be necessary, desirable or convenient in connection with said applications, patents, or other forms of protection.

\_\_\_\_\_  
Mathilde Benveniste

Date: \_\_\_\_\_

United States of America )

State of ) ss.:

County of )

On this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ before me personally came Mathilde Benveniste, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.

\_\_\_\_\_  
Notary Public

AT&T CORP.

P.O. Box 4110

Middletown, New Jersey 07748-4110

**Szwerc, Christine M - LGA**



**From:** Szwerc, Christine M - LGA  
**Sent:** Wednesday, March 06, 2002 7:19 PM  
**To:** Benveniste, Mathilde - ALRSC  
**Cc:** Szwerc, Christine M - LGA  
**Subject:** 2001-0357, A, B, C and D

2001-0357 TCMA With Contention Resolution Using Backoff  
2001-0357A HCF Access and Overlapped BSS Mitigation  
2001-0357B HCF Access Mechanism  
2001-0357C Neighborhood Capture In CSMA/CA WLANs  
2001-0357D SHIELD: Protecting High Priority Channel Access Attempts

Hi Mathilde:

I've been assigned your cases given Al Steinmetz's retirement. I have a few quick questions about the above provisional applications and would like to call you tomorrow.

Regards,  
Christine

=====  
Christine M. Szwerc

LGA - Intellectual Property  
AT&T Corp.  
295 N. Maple Ave.  
Rm 3245F2  
Basking Ridge, NJ 07920-1002  
(908) 221-8930 (phone)  
(908) 221-5783 (fax)  
szwerc@att.com

04/12/2002



**Szwerc,Christine M - LGA**

**From:** Szwerc,Christine M - LGA  
**Sent:** Wednesday, March 13, 2002 5:47 PM  
**To:** Benveniste,Mathilde - ALRSC  
**Cc:** Szwerc,Christine M - LGA  
**Subject:** Patent Matters



Hi Mathilde:

I stopped by your office today since I was in the area, per my voice mail, but understand you typically work from home. I am not certain if you received my message. I was informed that you will no longer be with AT&T after the end of this month. I am sorry to hear that.

I do have a few papers for you to sign, else the patent applications that you have worked on will go abandoned. In addition, I want to touch base with you on the outstanding provisionals and what your thoughts are with regard to them. There is a procedure for getting you a partial award if you help us file an application after you are no longer an employee that we can discuss.

Please call me so that we can discuss these matters. I could really use the help.

Regards,  
Christine

=====  
Christine M. Szwerc

LGA - Intellectual Property  
AT&T Corp.  
295 N. Maple Ave.  
Rm 3245F2  
Basking Ridge, NJ 07920-1002  
(908) 221-8930 (phone)  
(908) 221-5783 (fax)  
szwerc@att.com

04/12/2002

**Szwerc,Christine M - LGA**

**From:** Debra Gardner on behalf of Gardner,Debra R - ALRSC  
**Sent:** Thursday, March 14, 2002 8:12 AM  
**To:** Szwerc,Christine M - LGA  
**Subject:** RE: Matilde Benveniste

Hi Christine,

Mathilde had a work line at home don't know if it has been turned off, in any case both numbers are listed below:

973-761-0988 (Work)  
973-761-6105 (Home)

Let me know if you need any further assistance.

Debra

-----Original Message-----

**From:** Szwerc,Christine M - LGA [mailto:szwerc@att.com]  
**Sent:** Wednesday, March 13, 2002 4:35 PM  
**To:** Gardner,Debra R - ALRSC  
**Cc:** Szwerc,Christine M - LGA  
**Subject:** Matilde Benveniste

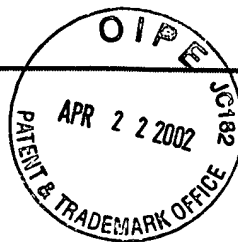
Hi Debra:

I'm Christine Szwerc, a patent attorney over at Basking Ridge. I was in your office (Building 2) today looking for Matilde Benveniste, but understand she was FMPed and is working from home most of the time. She isn't returning my calls on her work v-mail and I really need to get a hold of her to sign some legal documents for some patent applications. I was wondering if I could get her home phone number and see if I can reach her there. Chris Rice suggested you would have it.

Thanks, Christine

=====  
Christine M. Szwerc

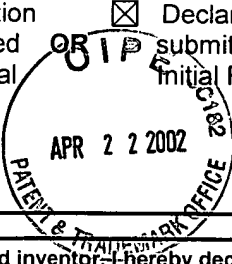
LGA - Intellectual Property  
AT&T Corp.  
295 N. Maple Ave.  
Rm 3245F2  
Basking Ridge, NJ 07920-1002  
(908) 221-8930 (phone)  
(908) 221-5783 (fax)  
szwerc@att.com



04/12/2002

# DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION

- ☐ Declaration Submitted with Initial Filing
- ☒ Declaration submitted after Initial Filing



|                          |                     |
|--------------------------|---------------------|
| Attorney Docket Number   | 2000-0811           |
| First Named Inventor     | Mathilde Benveniste |
| <b>COMPLETE IF KNOWN</b> |                     |
| Application Number       | 09/985257           |
| Filing Date              | 11/02/2001          |
| Group Art Unit           | 2661                |
| Examiner Name            |                     |

EXHIBIT

D

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Tiered Contention Multiple Access (TCMA): A Method For Priority-Based Shared Channel Access

(Title of the invention)

the specification of which

- ☐ is attached hereto
- OR
- ☒ was filed on 11/02/2001 as United States Application Number or PCT International Application Number 09/985257 and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendmer specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before the of an application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed     | Certified Copy Attached? |                          |
|-------------------------------------|---------|----------------------------------|--------------------------|--------------------------|--------------------------|
|                                     |         |                                  | <input type="checkbox"/> | YES                      | NO                       |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) below.

| Application Number(s) | Filing Date( MM/DD/YYYY) |  |
|-----------------------|--------------------------|--|
| 60/245186             | 11/03/2000               | <input checked="" type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto |
| 60/249254             | 11/17/2000               |  |

SEND TO: Commissioner for Patents, Box Patent Applications, Washington, D.C. 20231

Attorney Docket Number: 2000-0611

**DECLARATION - Utility or Design Patent Application**

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provide by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

| U.S. Parent Application or PCT Parent Number | Parent Filing Date (MM/DD/YYYY) | Parent Patent Number (if applicable) |
|--|---------------------------------|--------------------------------------|
|  |                                 |                                      |

☐ Additional U.S. or PCT International application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith:

☒ Customer Number 26652

Place Customer Number Bar  
Code Label here

OR

☐ Registered practitioner(s) name/registration number listed below

| Name                | Registration Number | Name                 | Registration Number |
|---------------------|---------------------|----------------------|---------------------|
| CANAVAN, Robert T.  | 37592               | CONOVER, Michele L.  | 34962               |
| DELACRUZ, Cedric G. | 36498               | DWORETSKY, Samuel H. | 27873               |
| ISAACSON, Thomas M. | 44166               | LEE, Benjamin S.     | 42787               |
| LEVY, Robert B.     | 28234               | MCGAHAN, Susan E.    | 35948               |
| MONKA, Gary H.      | 35290               | RESTAINO, Thomas A.  | 33444               |

☒ I also appoint the following additional registered practitioner(s) named on the Registered Practitioner Information (Supplemental Sheet) (PTO/SB/02C modified by AT&T Corp.) attached hereto with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

Direct all phone inquiries to: Szwerc, Christine M. 908-221-8930

Direct all written correspondence to:

☒ Customer Number or Bar Code Label

Customer Number - 26652

or ☐ Correspondence address below

|         |                          |       |            |          |              |
|---------|--------------------------|-------|------------|----------|--------------|
| NAME    | Samuel H. Dworetsky      |       |            |          |              |
| ADDRESS | AT&T CORP. P.O. Box 4110 |       |            |          |              |
| CITY    | Middletown               | STATE | New Jersey | ZIP CODE | 07748-4110   |
| COUNTRY | United States of America |       |            | FAX      | 732-368-6932 |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

|                                |                     |   |  |
|--------------------------------|---------------------|---|--|
| Name of Sole or First Inventor |                     | <input type="checkbox"/> A petition has been filed for this unsigned inventor |  |
| Name                           | Mathilde Benveniste |   |  |
| Signature                      |                     | Date  |  |
| Citizenship                    | United States       |   |  |
| Address (line 1)               | 76 Harding Drive    |   |  |
| Address (line 2)               | South Orange        |   |  |
| Address (line 3)               | Essex County        |   |  |
| Address (line 4)               | New Jersey          |   |  |
| Address (line 5)               | USA                 |   |  |
| Zip Code                       | 07079               |   |  |

☐ Additional Inventors are being named on the separately numbered sheets attached hereto

SEND TO: Commissioner for Patents, Box Patent Applications, Washington, DC 20231





Attorney Docket Number: 2000-0611

## ASSIGNMENT AND AGREEMENT

For value received, each of the undersigned, Mathilde Benveniste of South Orange in the County of Essex and State of New Jersey, hereby sells, assigns and transfers to AT&T Corp., a corporation of the State of New York, having an office at 32 Avenue of the Americas, New York, New York 10013-2412, United States of America, and its successors, assignees and legal representatives, the entire right, title and interest, for the United States of America, in and to certain inventions related to

### **Tiered Contention Multiple Access (TCMA): A Method For Priority-Based Shared Channel Access**

described in an application for Letters Patent for the United States of America,

☐ for which an application for a United States Patent was executed by each of the undersigned of even date herewith or

☒ for which an application for a United States Patent was filed on 11/02/2001 Application Number 09/985257

☒ and based on our prior provisional applications for United States Patents filed as Application Numbers 60/245,186; 60/249,254; 60/254,544; 60/256,337; 60/257,983 and 60/278,744 filed Nov. 3, 2000; Nov. 17, 2000; Dec. 12, 2000; Dec. 19, 2000; Dec. 27, 2000; and March 27, 2001, respectively;

and all the rights and privileges in said application and under any and all Letters Patent that may be granted in the United States for said inventions; and the undersigned also concurrently hereby sell, assign and transfer to AT&T Corp. the entire right, title and interest in and to said inventions for all countries foreign to the United States, including all rights of priority arising from the application aforesaid, and all the rights and privileges under any and all forms of protection, including Letters Patent, that may be granted in said countries foreign to the United States for said inventions.

The undersigned authorize AT&T Corp. to make application for such protection in its own name and maintain such protection in any and all countries foreign to the United States, and to invoke and claim for any application for patent or other form of protection for said inventions, without further authorization from the undersigned, any and all benefits, including the right of priority provided by any and all treaties, conventions, or agreements.

The undersigned hereby consent that a copy of this assignment shall be deemed a full legal and formal equivalent of any document which may be required in any country in proof of the right of AT&T Corp. to apply for patent or other form of protection for said inventions and to claim the aforesaid benefit of the right of priority.

The undersigned request that any and all patents for said inventions be issued to AT&T Corp. in the United States and in all countries foreign to the United States, or to such nominees as AT&T Corp. may designate.

The undersigned agree that, when requested, the undersigned shall, without charge to AT&T Corp. but at its expense, sign all papers, and do all acts which may be necessary, desirable or convenient in connection with said applications, patents, or other forms of protection.

\_\_\_\_\_  
Mathilde Benveniste

Date: \_\_\_\_\_

United States of America )

State of ) ss.:

County of )

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ before me personally came Mathilde Benveniste, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.

\_\_\_\_\_  
Notary Public

AT&T CORP.

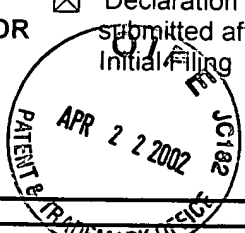
P.O. Box 4110

Middletown, New Jersey 07748-4110



# DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION

☐ Declaration Submitted with Initial Filing OR ☒ Declaration submitted after Initial Filing



|                          |                     |
|--------------------------|---------------------|
| Attorney Docket Number   | 2000-0611 P         |
| First Named Inventor     | Mathilde Benveniste |
| <b>COMPLETE IF KNOWN</b> |                     |
| Application Number       | 10/032507           |
| Filing Date              | 01/02/2002          |
| Group Art Unit           | 2635                |
| Examiner Name            | TBA                 |

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Random Medium Access Methods With Backoff Adaptation To Traffic

(Title of the invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on 01/02/2002 as United States Application Number or PCT International Application Number 10/032507 and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendmer specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before the of an application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed     | Certified Copy Attached? |                          |
|-------------------------------------|---------|----------------------------------|--------------------------|--------------------------|--------------------------|
|                                     |         |                                  | <input type="checkbox"/> | YES                      | NO                       |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) below.

| Application Number(s) | Filing Date( MM/DD/YYYY) |  |
|-----------------------|--------------------------|--|
| 60/258885             | 01/02/2001               | <input checked="" type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto |
| 60/261165             | 01/16/2001               |  |

SEND TO: Commissioner for Patents, Box Patent Applications, Washington, D.C. 20231

**DECLARATION - Utility or Design Patent Application**

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

| U.S. Parent Application or PCT Parent Number | Parent Filing Date (MM/DD/YYYY) | Parent Patent Number (if applicable) |
|--|---------------------------------|--------------------------------------|
| 09/985257                                    | 11/02/2001                      |                                      |

☐ Additional U.S. or PCT International application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

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Place Customer Number Bar Code Label here

OR

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| Name                | Registration Number | Name                 | Registration Number |
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| DELACRUZ, Cedric G. | 36498               | DWORETSKY, Samuel H. | 27873               |
| ISAACSON, Thomas M. | 44166               | LEE, Benjamin S.     | 42787               |
| LEVY, Robert B.     | 28234               | MCGAHAN, Susan E.    | 35948               |
| MONKA, Gary H.      | 35290               | RESTAINO, Thomas A.  | 33444               |

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Direct all phone inquiries to: Szwerc, Christine M. 908-221-8930

Direct all written correspondence to:

☒ Customer Number or Bar Code Label

Customer Number - 26652

or ☐ Correspondence address below

|         |                          |       |            |          |              |
|---------|--------------------------|-------|------------|----------|--------------|
| NAME    | Samuel H. Dworetsky      |       |            |          |              |
| ADDRESS | AT&T CORP. P.O. Box 4110 |       |            |          |              |
| CITY    | Middletown               | STATE | New Jersey | ZIP CODE | 07748-4110   |
| COUNTRY | United States of America |       |            | FAX      | 732-368-6932 |

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|                                |                     |   |  |
|--------------------------------|---------------------|---|--|
| Name of Sole or First Inventor |                     | <input type="checkbox"/> A petition has been filed for this unsigned inventor |  |
| Name                           | Mathilde Benveniste |   |  |
| Signature                      |                     | Date  |  |
| Citizenship                    | United States       |   |  |
| Address (line 1)               | 76 Harding Drive    |   |  |
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| Address (line 5)               | USA                 |   |  |
| Zip Code                       | 07079               |   |  |

☐ Additional Inventors are being named on the separately numbered sheets attached hereto

**Additional Foreign Applications:**

[illegible]

## Application Number(s)

| Application Number(s) | Filing Date( MM/DD/YYYY) |
|-----------------------|--------------------------|
| 60/264727             | 01/30/2001               |
| 60/267439             | 02/09/2001               |
| 60/270862             | 02/26/2001               |
| 60/271731             | 02/28/2001               |
| 60/272786             | 03/05/2001               |

U.S. Parent Application or PCT Parent  
Number

| U.S. Parent Application or PCT Parent Number | Parent Filing Date (MM/DD/YYYY) | Parent Patent Number (if applicable) |
|--|---------------------------------|--------------------------------------|
|  |                                 |                                      |
|  |                                 |                                      |

SEND TO: Commissioner for Patents, Box Patent Applications, Washington, DC 20231



Attorney Docket Number: 2000-0611 P

## ASSIGNMENT AND AGREEMENT

For value received, each of the undersigned, Mathilde Benveniste of South Orange in the County of Essex and State of New Jersey, hereby sells, assigns and transfers to AT&T Corp., a corporation of the State of New York, having an office at 32 Avenue of the Americas, New York, New York 10013-2412, United States of America, and its successors, assignees and legal representatives, the entire right, title and interest, for the United States of America, in and to certain inventions related to

### **Random Medium Access Methods With Backoff Adaptation To Traffic**

described in an application for Letters Patent for the United States of America,

☐ for which an application for a United States Patent was executed by each of the undersigned of even date herewith or

☒ for which an application for a United States Patent was filed on 01/02/2002 Application Number 10/032507 and that this application in part discloses and claims subject matter disclosed in our earlier filed pending application, Application No. 09/985257 filed 11/02/2001

☒ and based on our prior provisional applications for United States Patents filed as Application Numbers 60/258,885; 60/261165; 60/264727; 60/267439; 60/270862; 60/271731 and 60/272786 filed 01/02/2001; 01/16/2001; 01/30/2001; 02/09/2001; 02/26/2001; 02/28/2001 and 03/05/2001, respectively,

and all the rights and privileges in said application and under any and all Letters Patent that may be granted in the United States for said inventions; and the undersigned also concurrently hereby sell, assign and transfer to AT&T Corp. the entire right, title and interest in and to said inventions for all countries foreign to the United States, including all rights of priority arising from the application aforesaid, and all the rights and privileges under any and all forms of protection, including Letters Patent, that may be granted in said countries foreign to the United States for said inventions.

The undersigned authorize AT&T Corp. to make application for such protection in its own name and maintain such protection in any and all countries foreign to the United States, and to invoke and claim for any application for patent or other form of protection for said inventions, without further authorization from the undersigned, any and all benefits, including the right of priority provided by any and all treaties, conventions, or agreements.

The undersigned hereby consent that a copy of this assignment shall be deemed a full legal and formal equivalent of any document which may be required in any country in proof of the right of AT&T Corp. to apply for patent or other form of protection for said inventions and to claim the aforesaid benefit of the right of priority.

The undersigned request that any and all patents for said inventions be issued to AT&T Corp. in the United States and in all countries foreign to the United States, or to such nominees as AT&T Corp. may designate.

The undersigned agree that, when requested, the undersigned shall, without charge to AT&T Corp. but at its expense, sign all papers, and do all acts which may be necessary, desirable or convenient in connection with said applications, patents, or other forms of protection.

\_\_\_\_\_  
Mathilde Benveniste

Date: \_\_\_\_\_

United States of America

)

State of

) ss.:

County of

)

On this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ before me personally came Mathilde Benveniste, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.

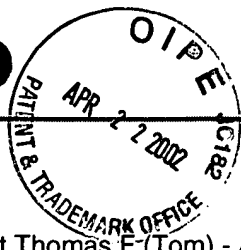
\_\_\_\_\_  
Notary Public

AT&T CORP.

P.O. Box 4110

Middletown, New Jersey 07748-4110

**Szwerc, Christine M - LGA**



**From:** Szwerc, Christine M - LGA  
**Sent:** Monday, March 18, 2002 4:53 PM  
**To:** Calderbank, Robert - ALRSC; Frost, Thomas F (Tom) - ALIPM  
**Cc:** Szwerc, Christine M - LGA; Dworetsky, Samuel H - LGA  
**Subject:** Benveniste Patent Matters

Dear Rob and Tom:

I have numerous patent matters that need the cooperation of Mathilde Benveniste (signatures, application reviews, provisional conversion discussions). I inherited these cases from Al and Bob. I understand that she has been FMPed, but many of these requests were asked of her prior to notice of the FMP. (Her response to our staff was she was too busy to sign papers.) I've left multiple messages on her work vmail, home vmail, and her work e-mail. There is no indication from her messages that she is out of the country. I've had outside counsel try to reach her directly with no luck. I've even personally gone to her FP office.

I'm at a loss beside showing up on her doorstep. These cases seem to be important - related to her work with the 802.11 std, so I hate to just abandon them b/c she is not cooperating, but I am going to be forced to if she won't help. I can file an uncooperative inventor dec in a few of the cases, but others really need her help to be written or reviewed.

Do you have any pull with her, or can you suggest anything that I might try?

Thanks, Chris

=====  
Christine M. Szwerc

LGA - Intellectual Property  
AT&T Corp.  
295 N. Maple Ave.  
Rm 3245F2  
Basking Ridge, NJ 07920-1002  
(908) 221-8930 (phone)  
(908) 221-5783 (fax)  
szwerc@att.com

04/12/2002

**Szwerc, Christine M - LGA**

**From:** Robert Calderbank on behalf of Calderbank, Robert - ALRSC  
**Sent:** Monday, March 18, 2002 5:14 PM  
**To:** Szwerc, Christine M - LGA  
**Cc:** Thompson, Sandra (Sandy) - HRBOU  
**Subject:** Re: Benveniste Patent Matters  
 Chris:



Mathilde appears to be following a strategy of non-cooperation. I appreciate your efforts and your track record with her mirrors my own in getting her to schedule an exit interview.

Rob

At 04:52 PM 3/18/02 -0500, you wrote:

Dear Rob and Tom:

I have numerous patent matters that need the cooperation of Mathilde Benveniste (signatures, application reviews, provisional conversion discussions). I inherited these cases from Al and Bob. I understand that she has been FMPed, but many of these requests were asked of her prior to notice of the FMP. (Her response to our staff was she was too busy to sign papers.) I've left multiple messages on her work vmail, home vmail, and her work e-mail. There is no indication from her messages that she is out of the country. I've had outside counsel try to reach her directly with no luck. I've even personally gone to her FP office.

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Do you have any pull with her, or can you suggest anything that I might try?

Thanks, Chris

=====

Christine M. Szwerc

LGA - Intellectual Property  
 AT&T Corp.  
 295 N. Maple Ave.  
 Rm 3245F2  
 Basking Ridge, NJ 07920-1002  
 (908) 221-8930 (phone)  
 (908) 221-5783 (fax)  
 szwerc@att.com

04/12/2002